Application No. 10/686,951 Attorney Docket No. 2003B043/2 Reply to Restriction Requirement of March 23, 2006 Response dated October 11, 2006

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REMARKS:

In Applicants response of April 28, 2006, in compliance with the Examiner's requirement pursuant to 35 U.S.C. §121, Applicants elected to prosecute Group I (claims 1-71, 109-116, 171-184 and 360-375), with traverse. Claims 72-108, 117-170, 185-359, and 376-426 have been canceled per the election.

Reconsideration of this application is requested. Claims 1-71, 109-116, 171-184 and 360-375 are currently pending.

Rejection Under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-71, 109-116, 171-184 and 360-375 as anticipated by U.S. Patent No. 6,573,350 to Markel, et al. (hereinafter "Markel"). Applicants respectfully traverse the rejection and request reconsideration.

The present claimed invention relates to adhesives comprising polymers of C_{3-40} olefins having a Dot T-Peel of 1 Newton or more, a branching index (g') of 0.95 or less measured at the z-average molecular weight (Mz) of the polymer, a weight average molecular weight (Mw) of 100,000 or less, and good strength properties. Markel discloses branched ethylene-propylene compositions with improved melt strength and a weight average branching index (g') of less than 0.95.

Anticipation requires a showing that each limitation of a claim is found in a single reference, either expressly or inherently. Crown Operations Int'l Ltd. v. Solutia Inc. 289 F.3d 1367, 1375-77 (Fed. Cir. 2002). The Examiner must offer evidence of literal presence or a reasoned explanation that every element of the claim is present in the cited prior art inherently. Applicants respectfully assert that the Examiner has not shown that all elements of each claim of the present invention are found in a single prior art reference.

Markel teaches that the composition may include comonomers such as C₄ to C₂₀ alphaolefins where the total monomer content of the composition is from 5 to 40 mol% (see column 3, lines 1-12). Markel does not teach what the present invention recites in claim 1 (from which all other claims depend), "at least 50 mol% of one or more C₃₋₄₀ olefins." Markel also does not

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teach or suggest a g' higher than 0.95. Claim 1 recites, "a g' of 0.98." Therefore, Markel does not teach all the elements or features of the claims of the present invention.

Additionally, the Examiner has not addressed the claim 1 feature of Dot T-Peel strength, nor many of the other claimed features such as heat of fusion (claim 2, inter alia), melt viscosity (claims 5-8, inter alia), Tg (claims 9 and 10, inter alia). The Examiner has not shown that all the elements or features of the claims are present in Markel nor offered any evidence as to why the claimed features may be inherent. The Examiner does mention the aspect that the composition be used in a glue stick; however, this is only mentioned in claims 360-375. Claims 361 through 375 also mention many other aspects of the invention which the Examiner has not addressed. Because the Examiner has not fulfilled his duty with respect to any of above-listed claims, Applicants respectfully request that the rejection be withdrawn.

Conclusion

In light of the above, Applicants respectfully requestion reconsideration and withdrawal of the rejection and allowance of the claims. Should the Examiner have any questions or if he believes it will expedite or assist his examination, he is invited and encouraged to telephone the undersigned attorney at his convenience.

Respectfully submitted,

<u>// October 06</u>

Jeremy P. Welch

Registration No. 52,348 Attorney for Applicants

ExxonMobil Chemical Company Law Technology Department P.O. Box 2149 Baytown, Texas 77522-2149 Telephone No. 281-834-2429 Facsimile No. 281-834-2495